

# Town of Lovettsville

## PUBLIC HEARING

**TO:** Planning Commission

**FROM:** Stephen E. McGregor, Zoning Administrator

**DATE:** April 7, 2010

**SUBJECT:** **LVZA 2010-0004 Veterinary Hospital Use** – Zoning Ordinance  
Amendment

**CONCURRENT WITH:**

**LVCU 2010-0001 Bernhart Corner Veterinary Hospital** –  
Conditional Use Permit

**PURPOSE:** To provide an evaluation for a public hearing discussion scheduled for April 7, 2010 to amend the Zoning Ordinance by adding the Veterinary Hospital use to the C-1 Community Commercial zoning district and to the I-1 Light Industrial zoning district and a definition in Section 13-2 and to convert the use from by-right to conditionally permitted in the C-2 and Town Center Fringe districts.

**BACKGROUND:** A prospective tenant for the existing building that formerly housed the US Postal Service facility has requested that they be able to operate a veterinary hospital in the building. Bernhart Corner LLC wants to lease the old post office building on East Broad Way across from the 7-11 market.

**DISCUSSION:** The building being requested for the veterinary hospital use is on land zoned under the C-1 Community Commercial district, which does not permit the use either as a permitted or conditionally permitted use. The use, however, complies with the stated purpose of the C-1 district, which is stated in part:

“This district is designed to accommodate general commercial business to which the public requires direct and frequent access, but which is not characterized by constant heavy trucking other than stocking and delivery of retail goods.”

The activity of the veterinary hospital use should be defined as being almost entirely contained within the facility. The only outdoor activity should be limited to brief periodic airing of the dogs on leashes. The facility does not need a full dog

run as would be required for a kennel in which animals are boarded and where the dogs would not be leashed. The veterinary hospital houses some animals but for short periods of time. The outdoor walking area should be limited and fenced. Details of any outdoor features should be determined by each set of circumstances and based upon any relevant Comprehensive Plan policies, such as on page 53 of the Town Plan in the Land Use chapter under Implementation Policies, where it states that landscaping and beautification should be encouraged for new and existing developments. Therefore, such a use can occur if it requires a conditional use permit. General conditions should be outlined in the Zoning Ordinance in order to guide decisions to be made on individual cases.

**CONCLUSION:** Not only is the veterinary hospital use appropriate for the C-1 district but it is appropriate for the I-1 Light Industrial district, which permits a large variety of commercial and light industrial uses as long as they do not have an impact on residential areas. A conditional use permit would be needed to determine the outdoor facilities on a case-by-case basis. The veterinary hospital use that is now permitted in the C-2 district “by-right” should be changed for the same reasons as stated above so that it is permitted conditionally, in order to exercise more control of any outdoor features that are requested than may be required by ordinance provisions.

As a format issue, the terminology for the veterinary hospital use should be made uniform in the Zoning Ordinance. The term used in the T-C Town Center Planned Development district, Fringe Area, is “Veterinary and Animal Hospital Facilities.” In addition, there is no definition of the use in the Zoning Ordinance and there should be one.

**RECOMMENDATION:**

1. The Veterinary Hospital use should be conditionally permitted in the C-1 and I-1 zoning districts.
2. The C-2 district should be amended so that the veterinary hospital use is not permitted “by-right” but conditionally permitted.
3. The term Veterinary Hospital should replace all similar terms found in the Zoning District.
4. A definition of the Veterinary Hospital use should be added to Article 13, Section 13-2 Definitions.

In order to implement these recommendations the following ordinance text amendments are recommended:

**ADD:** To Article 13, DEFINITIONS, Section 13-2 (in alphabetical order):

“VETERINARY HOSPITAL. A facility where pets and animals are given medical and/or surgical treatment and the indoor boarding of such animals is limited to short-term care incidental to the hospital use.”

**MODIFY:** Article 3, Section 3-11, the title, to read:

COMMERCIAL AND LIGHT INDUSTRIAL ZONING DISTRICTS - GENERAL

**ADD:** To Article 3, Section 3-11, to read:

“(f) GENERAL STANDARDS FOR CERTAIN USES

The following identified uses, wherever permitted in a commercial or light industrial district, shall conform to the standards set forth in this section, unless otherwise specifically modified in the provisions authorizing such use in a district:

(i) VETERINARY HOSPITALS: This use shall be subject to the following development criteria:

(A) The entire business must be conducted wholly within a completely enclosed soundproofed, heated and air-conditioned building, except for a limited outdoor fenced dog walk area.

(B) Noise and odors created by activities within the facility shall not be perceptible beyond the property line or facility itself if the property has other buildings with human activity.

(C) No animals shall be kept outside the building at any time.

(D) Outdoor features shall comply with any appropriate design or amenity policies in the Town Comprehensive Plan.

(E) Additional buffering, screening or landscaping may be required under conditional use permits, especially to protect visual or other adverse impacts on residential areas.”

**DELETE:** In Article 3, Section 3-13 Mixed Use Business District C-2, under (b)  
Permitted Uses: (v) Veterinary Hospital. [renumber subsequent numerals]

**ADD:** To In Article 3, Section 3-13 Mixed Use Business District C-2, under (c)  
Conditionally Permitted Uses:

(vii) Veterinary Hospital.

**ADD:** To Article 3, Section 3-12 Community Commercial District C-1, under (c)  
Conditionally Permitted Uses:

(xiv) Veterinary Hospital.

**ADD:** To Article 3, Section 3-14 Light Industrial District I-1, under (g) Conditionally  
Permitted Uses:

(viii) Veterinary Hospital.

**MODIFY:** In Article 3, Section 3-7 Town Center Planned Development District T-C, (j)  
Conditionally Permitted Uses (iii) Town Center Fringe Area (A)

**FROM:** Veterinary and Animal Hospital Facilities,  
**TO:** Veterinary Hospital.

**DRAFT MOTION:** "I move that the Planning Commission recommend to the Town Council that the Council approve the recommended ordinance text amendments presented in item LVZA 2010-0004 Veterinary Hospital Use, at the April 7, 2010 public hearing."

**ATTACHMENT:** Request letter from Peter Pruckowski, March 13, 2010.

March 13,2010

To Keith Markel  
Town Manager  
Lovettsville, VA 20180

This letter is to document my desire to open and operate a small animal veterinary clinic in the town of Lovettsville, VA. The citizens of Lovettsville deserve quality veterinary care for their pets. At present they must travel either to Purcellville or Leesburg, VA or to Jefferson, MD. With the ever increasing population and density of the Lovettsville area, I believe that a full service veterinary clinic would be beneficial to the general population and enhance the standard of living.

Currently there is limited C-2 zoning available for a veterinary clinic. I am requesting the Town of Lovettsville to amend the Zoning Ordinance to allow the Veterinary Clinic use as a use permitted conditionally in the C-1 zoning district. This would allow for a veterinary clinic to be located in the "old post office" building in the heart of the town. With improvements to the building, a fresh coat of paint, and landscaping to the property, I believe that not only would a necessary service be provided, but the changes would beatify the area. It is under stood that there would be no outside runs for the animals. A dog walk area with a quality fence would be built to insure protection for the dogs and limit the area that they could access.

I hope that the Town of Lovettsville, VA will accept my request. I look forward to working with you to answer any of your questions regarding this project. I also hope to accommodate further requests and/or changes or amendments to my proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Pruckowski".

Peter Pruckowski DVM  
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